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Human rights situations that require the Council's attention

Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Croatia, Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Greece,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Romania,* Slovakia,* Slovenia, Spain,* Sweden,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

35/...Situation of human rights in Belarus

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling all resolutions adopted by the Commission on Human Rights, the General Assembly and the Human Rights Council on the situation of human rights in Belarus, including Council resolution 32/26 of 1 July 2016, and deploring the inadequate response and lack of cooperation by the Government of Belarus to the requests made by the Council in those resolutions, including the denial of access to the Special Rapporteur on the situation of human rights in Belarus and other special procedure mandate holders to the country, while acknowledging the growing openness of Belarus to cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe and the European Union,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in Belarus of 21 April 2017;[1]

2. *Expresses continued concern* at the situation of human rights and fundamental freedoms in Belarus, especially the freedoms of peaceful assembly,

* State not a member of the Human Rights Council.
[1] A/HRC/35/40.

association and expression, as demonstrated by the response of the Government of Belarus to the February and March 2017 peaceful protests; the continued allegations of torture and inhuman or degrading treatment by law enforcement and prison officers, which are not properly investigated by the authorities; the ongoing crackdown on human rights defenders and civil society organizations, many of which are denied registration, or raided by the authorities; the arrest of journalists in March 2017 and various infringements on freedom of expression, including by the media; and urges the Government to fully respect freedoms of expression, peaceful assembly and association;

3. *Deplores* the lack of response by the Government of Belarus to cases of arbitrary arrest and detention of political and social activists, the unwillingness of prosecutors to investigate cases of torture and cruel, inhuman and degrading treatment, the impunity of perpetrators of crimes involving human rights violations and abuses, the pressure on defence lawyers and the lack of effective legal remedies; and also deplores the absence of specific and comprehensive anti-discrimination laws, which affects individuals belonging to vulnerable groups and religious minorities;

4. *Reiterates its call upon* the Government of Belarus to carry out a comprehensive review of relevant legislation, policies, strategies and practices to ensure that the provisions are clearly defined, consistent with its international human rights obligations and commitments, and are not used to impede or unduly restrict the exercise of any human right, and to invest in capacity-building and appropriate training of the judiciary and law enforcement agencies;

5. *Welcomes* the adoption by the Government of Belarus on 24 October 2016 of an inter-agency plan on human rights for the period 2016–2019 for the implementation of recommendations accepted by the Government of Belarus during the second cycle of the universal periodic review of Belarus and recommendations by some treaty bodies; encourages the Government to review and amend the plan by including recommendations by human rights mechanisms and by taking into account suggestions made by civil society organizations; and welcomes the submission of the fifth report by the Government on the implementation of the International Covenant on Civil and Political Rights, in March 2017;

6. *Notes* the continued attention paid by the Special Rapporteur to the issue of the death penalty in Belarus, and in particular expresses deep concern at its use without guarantee of due process and at the limited amount of relevant information with regard to its use, and, taking into account that transparency is a requirement of fair and effective criminal justice, requests the Special Rapporteur to continue to monitor developments and to make recommendations;

7. *Urges* the Government of Belarus, in the light of the developments in February and March 2017, to take all measures necessary to ensure the full independence and impartiality of the judiciary, to guarantee the right to a fair trial and the right to an effective review of sentences and convictions by a higher tribunal and to provide for the right of all defendants to freely choose legal representation throughout all proceedings;

8. *Recalls* that it welcomed the release of political prisoners in August 2015, and called for the full reinstatement of the civil and political rights of former political prisoners; however, political activists continue to be ill-treated and faced with invented charges, while there has been no progress on outstanding cases of enforced disappearance of political opponents;

9. *Urges* Belarus to implement without delay the comprehensive reform of the electoral legal framework and to address long-standing systemic shortcomings pertaining to the electoral legal framework and practices ahead of the local elections early in 2018, following the recommendations made by the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the European

Commission for Democracy through Law (the Venice Commission) and the Special Rapporteur;

10. *Again strongly encourages* the Government of Belarus to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to engage actively in the implementation of the 2030 Agenda for Sustainable Development;[2]

11. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Belarus for a period of one year, and requests the Special Rapporteur to submit a report on the situation of human rights in Belarus to the Human Rights Council at its thirty-eighth session and to the General Assembly at its seventy-third session;

12. *Urges* the Government of Belarus to fully cooperate with the Special Rapporteur, including by providing her access to visit the country in order to assist the Government in fulfilling its international human rights obligations and by considering implementation of his recommendations, and also urges the Government to extend full cooperation to thematic special procedures;

13. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with the assistance and resources necessary to allow the fulfilment of his mandate, and requests the latter to continue to monitor developments and make recommendations.

[2] General Assembly resolution 70/1.